

Appl. No. 09/975,353
Amtd. Dated September 23, 2004
Reply to Office Action of 6/24/05

Docket No. CM04624H
Customer No. 22917

REMARKS/ARGUMENTS

Claims 1-3, 5, 6, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Armitage (US 2002/0026525). Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armitage. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have amended the application to claim benefit to an earlier filed provisional application with the same title, specification, drawings, and claims where the provisional application was filed on 30 August 2001 and has a serial number of 60/316939.

Applicants herein submit the attached two affidavits under 37 C.F.R. § 1.131 swearing behind the reference U. S. Patent Publication No. 2002/0026525 (Armitage). The first affidavit, including the attachments referenced therein, serve to establish conception in the United States of claimed subject matter in the present patent application and diligence to the filing of the present patent application on 11 October 2001 (with an effective date of 30 August 2001) from a date prior to the effective date of the U. S. Patent Publication No. 2002/0026525 (Armitage) which was filed in the United States on 3 April 2001 and has an effective date of 4 April 2000, and relied upon by the Examiner to support rejections under 35 U.S.C. 102 and 35 U.S.C. 103 in the Office Action dated 24 June 2005.

The second affidavit serves to establish diligence to the effective date of the present patent application on 30 August 2001 from a date prior to the effective date of the U. S. Patent Publication No. 2002/0026525 (Armitage) which was filed in the United

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States on 3 April 2001 and has an effective date of 4 April 2000, and relied upon by the Examiner to support rejections under 35 U.S.C. 102 and 35 U.S.C. 103 in the Office Action dated 24 June 2005.

Therefore, Applicants respectfully submit that the Claims 1-10 define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejection of Claims 1-10.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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Attachments